

Questions & Answers CAPI Policy

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Cash Assistance Program for Immigrants

QUESTIONS & ANSWERS

CP 49-010 Eligibility Requirements for CAPI

- Q.** Are CAPI applicants with a lawful Date Of Entry (DOE) after August 21, 1996 required to apply for SSI?
- A.** Yes, all CAPI applicants, regardless of their lawful DOE, are required to show proof that they have applied for SSI six months prior to their CAPI application. Immigrants who have not applied for SSI prior to their CAPI application must do so as part of their CAPI application process.

CP 49-015 Application Process

- Q.** Are CAPI applicants with a lawful Date Of Entry (DOE) after August 21, 1996 required to apply for SSI?
- A.** Yes, all CAPI applicants, regardless of their lawful DOE, are required to show proof that they have applied for SSI six months prior to their CAPI application. Immigrants who have not applied for SSI prior to their CAPI application must do so before their CAPI application can be approved.

CP 49-020 Immigration Status

- Q.** Is a refugee eligible for CAPI benefits?
- A.** A refugee may be eligible to CAPI seven years after he/she is granted refugee status by USCIS.
NOTE: Refugees may apply for and be eligible to SSI benefits during their first seven years as refugees.
- Q.** Can an individual with an immigration status under the Violence Against Women Act (VAWA) be eligible for CAPI benefits?
- A.** Yes a VAWA immigrant may be eligible to CAPI if he/she meets the rest of the CAPI eligibility criteria.

CP 49-025 Age and Disability

- Q.** Can a person under 65 years of age be eligible to CAPI?
- A.** Yes, a person under 65 years of age may be potentially eligible to CAPI if he or she meets the disability criteria, as well as the rest of the eligibility criteria.
- Q.** Who makes all blindness and disability determinations?
- A.** The State Disability and Adult Programs Division (DAPD) makes all blindness and disability decisions based on medical documentation submitted by the applicant/participant and using existing blindness and disability criteria.

CP 49-030 Ineligibility for SSI/SSP

- Q.** Are all CAPI applicants required to apply for SSI/SSP?

- A. Yes, all individuals, except individuals with a Persons Residing Under the Color of Law (PRUCOL) immigration status, must apply for SSI/SSP as part of the CAPI eligibility criteria.

CP 49-035 Income

- Q. How much income may a person have and still be eligible to CAPI?
- A. A person's countable income must be below the CAPI payment amount for the person to be eligible for a full or partial CAPI payment.

CP 49-037 Sponsor Deeming

- Q. Can immigrants with a lawful Date Of Entry (DOE) after August 21, 1996 be exempt from sponsor deeming?
- A. Yes, an immigrant with a post August 21, 1996 lawful DOE may be exempt from sponsor deeming if s/he meets one of the applicable exceptions.
- Q. Is the spouse of a deceased sponsor responsible for supporting the immigrant?
- A. No, sponsorship deeming stops when the sponsor dies as long as the surviving spouse did not sign the Affidavit of Support.
- Q. Is the sponsor's spouse's income deemed to the immigrant if the marriage took place after the sponsor signed an Affidavit of Support?
- A. Yes, the sponsor's spouse's income is deemed to the immigrant regardless of when the marriage took place (see CAPI Handbook, Income Chapter, Sec. M.2).

CP 49-040 Resources

- Q. How many resources is a noncitizen or couple allowed to be eligible for CAPI?
- A. To be eligible for CAPI, an individual is allowed to have up to \$2,000 of on-excludable resources for one person or \$3,000 for a couple.

CP 49-045 Filing for Other Benefits

- Q. Is an application for other benefits a CAPI eligibility requirement?
- A. Yes, to be eligible or remain eligible for CAPI, an applicant/participant must file and pursue any other cash benefits for which she or he may be eligible.
- Q. What is the CAPI SSI Advocacy Program (SSIAP)?
- A. CAPI SSIAP is a component of CAPI to assist CAPI applicants/participants who are potentially eligible for SSI.

CP 49-050 Living Arrangements and Benefit Categories

- Q. Can a resident of a licensed Non-Medi-Cal Out-Of-Home Care (NMOHC) facility be eligible to CAPI?
- A. Yes, an elderly or disabled immigrant residing in a licensed NMOHC may be eligible to CAPI if s/he meets all the CAPI eligibility criteria and the facility licensure is verified.

NOTE: Per Medi-Cal Program staff, Medi-Cal does not pay for room and board for an elderly immigrant residing in a licensed NMOHC facility. Medi-Cal only covers some medical related expenses.

- Q.** Is an immigrant resident of an NMOHC eligible to both the NMOHC CAPI rate and In-Home Supportive Services (IHSS) at the same time?
- A.** No, a resident of an NMOHC may not receive CAPI and IHSS simultaneously. S/he may receive only one of the two. It is the person's choice.

CP 49-055 Benefit Determination

- Q.** Can benefits be deposited directly into a participant's bank account?
- A.** Yes, direct deposit is one of three options available to participants to receive or access their CAPI benefits. The other two alternatives are through electronic issuance process called Electronic Benefit Transfer (EBT) or by mail
- Q.** Is Aid Paid Pending (APP) considered an overpayment if the hearing decision upholds the County's action?
- A.** Yes, per State regulations, APP is considered an overpayment if the Administrative Law Judge rules in favor of the County.

CP 49-060 Benefit "Suspensions" and Terminations

- Q.** What is a difference between a suspension and a termination of benefits?
- A.** A **suspension** is a temporary discontinuance of benefits. Benefits may be reinstated within 12 months of the suspension action if a new application is submitted within the same period of time. Benefits are reinstated the date the application is submitted, or the first day the individual meets all the eligibility requirements, whichever is later. An individual whose CAPI benefits are **terminated** must submit a new application to have eligibility re-determined. Benefits on these cases begin the first date of the month following the month the application was received.

CP 49-065 Interim Assistance Reimbursement (IAR) Procedures

- Q.** When is CAPI assistance reimbursable?
- A.** Any CAPI paid while an SSI application is pending approval is considered to be interim assistance and is subject to recovery/reimbursement once SSI is approved.
- Q.** When does the IAR period begin and end?
- A.** The IAR period begins the first day of the month following the SSI application month, or the month the person becomes eligible for SSI benefits. The IAR period ends with and includes the month the SSI benefits begin.

CP 49-070 Redeterminations

- Q.** What is the purpose of a redetermination?
- A.** The intent of a redetermination is to periodically ensure that only eligible persons receive assistance and in the amount to which they are entitled.
- Q.** How frequently is a redetermination done?
- A.** All CAPI cases have eligibility redetermined within 12 months of the participant's initial benefit payment date and every 12 months thereafter.